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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,647	11/07/2000	Kim Y. Kao	003115.P002XD2	9344

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EXAMINER

PEYTON, TAMMARA R

ART UNIT PAPER NUMBER

2182

DATE MAILED: 07/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/707,647

Applicant(s)

KAO ET AL.

Examiner

Tammara R Peyton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 13-21 and 23-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-21 and 23-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Ozawa, (US 5,265,153).
2. As per claims 23 and 24, Ozawa teaches a method comprising:
  - monitoring an output of an electrically powered device; [facsimile terminal, 7, Fig.1]
  - comparing the output to a database of operating profiles [2 and 6, Fig.1] for the electrically powered device to detect a first condition [64, Fig.3] and to adjust billing charges when the electrically powered device is in the first condition [Fig.4], the database of operating profiles includes regular operating profiles and abnormal operating profiles, each to denote an abnormal condition. [col. 5, lines 31-col. 6, lines 1-4]

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 14-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Janku*, (US 4,902,881) and *Ozawa*, (US 5,265,153)

4. As per claims 14-16, 18, and 21, *Janku* teaches an apparatus for monitoring usages of an electrically powered device [Fig.1] wherein it would have been obvious that a circuit coupled to the device provides a power output for the device. Further, *Janku* teaches a controller to receive a user input [via card reader, 61, Fig.2], to process the user input by establishing communication with a remotely located device to request approval of a financial transaction, and generate control signals in response to receiving approval, the controller includes a database of power profiles of the device. [*Janku*, col. 2, lines 10-18, 47-col.3, lines 1-6] *Janku* teaches that without approval of a financial transaction (user's credit card read via card reader, 61) the electrically powered device will not activate, i.e. unlock thereby allowing the user access to functions provided by the electrically powered device. The unlock process disclosed by *Janku* includes

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lowering the keyboard and starting up video monitor. Upon completion of the functions from the electrically powered device the total time usage is determined and charged to the user's given credit card. Therefore, it would have been obvious to one of ordinary skill that *Janku's* system keeps track of how long the electrically powered device was activated (power profile), thereby charging the user's credit card accordingly. *Janku* also teaches the use of a facsimile machine, however, *Janku* is silent in respect to suspending a charge for usage of the facsimile machine in the case of a halt/abnormal condition.

5. *Ozawa* teaches a method for sending facsimiles over a network and charging for the service. Specifically, *Ozawa* teaches of calculating the hours/minutes the facsimile was in service and printing out a copy of the total charges to the user. *Ozawa's* system discloses an error management section that has the function of processing power supply interruptions to the facsimile – due to power failures. If such an error occurs the system will suspend the charges for that particular facsimile that was not completed during the transaction. Because *Ozawa* charges by the time usages, i.e. the hours/minutes the facsimile's power was in service, one of ordinary skill in the art would realize that *Ozawa's* database must keep track of when power was supplied to the facsimile and thereby charge accordingly.

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6. It would have been obvious to one ordinary skilled in the art to implement in *Janku's* system *Ozawa's* method of suspending a charge due to halt/abnormal condition. Doing so would add and expand the flexibility of *Janku's* system.

7. As per claims 13 and 17, *Janku's* system obvious teaches a switching device (relay) coupled between the electrically powered device and a power source in order to provide power to the device when the approval of a financial transaction (user's credit card read via card reader, 61) is determined thereby unlocking the electrically powered device and allowing the user access.

8. As per claims 19 and 20, *Janku* nor *Ozawa* teach wherein the electrically powered device is a copier or a laser printer. However, it would have been obvious to one ordinary skill at the time the invention was made that the electrically powered device could be a host of other devices and not depart from the scope of the invention.

9. Claims 25-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Ozawa*, (US 5,265,153) and *Greene*, (US 4,312,035).

10. As per claim 30, *Ozawa* teaches a software module embodied for execution by a controller, the software module comprising:

- software to monitor an output of an electrically powered device; [facsimile terminal, 7, Fig.1]

- comparing the output to a database of operating profiles [2 and 6, Fig.1] for the electrically powered device to detect a first condition [64, Fig.3] and to adjust billing charges when the electrically powered device is in the first condition [Fig.4], the database of operating profiles includes regular operating profiles and abnormal operating profiles, each to denote an abnormal condition.

11. Ozawa teaches a method for sending facsimiles over a network and charging for the service. Specifically, Ozawa teaches of calculating the hours/minutes the facsimile was in service and printing out a copy of the total charges to the user. Ozawa's system discloses an error management section that has the function of processing power supply interruptions – due to power failures - and recording-paper exhaustion. If one of these errors occurs the system will adjust/nullify the charges for that particular facsimile that was not completed during the transaction. Because Ozawa charges by the time usages, i.e. the hours/minutes the facsimile's power was in service, one of ordinary skill in the art would realize that Ozawa's database must keep track of the power the facsimile uses and thereby charge accordingly.

12. Nonetheless, *Greene* discloses such a system that monitors an output of an electrically powered device and even during a malfunction, comparing the output to a plurality of power usage profiles in order to determine the time usage for the electronically powered device. [*Greene*, col. 1, lines 14-26 and col. 5, lines 49-57]

13. It would have been obvious to one of ordinary skill to implement *Greene's* power usage method for an electrically powered device in *Ozawa*. Doing so would add and expand *Ozawa's* system by measuring the amount of time that the electrically powered device is supplied during a given transaction.

14. As per claims 25-29, 31-34, and 37-39, *Ozawa* teaches an abnormal condition being a recording-paper exhaustion, which could mean a lack of paper in the facsimile. However, one ordinary skilled in the art would readily recognize that it is not out of *Ozawa's* scope of the invention that an abnormal condition may include a paper jam. Either error would trigger the error management section to adjust/nullify the facsimile charge. Furthermore, it would have been obvious to one of ordinary skill in the art that *Greene* teaches wherein a function of the power usage profile includes amperage and time.

15. As per claims 35, 36, 40, *Ozawa-Greene* teach wherein the electrically powered device is a facsimile and not a printer or appliance. Nonetheless, it would have been obvious to one ordinary skill at the time the invention was made that the electrically powered device could be a host of other devices and not depart from the scope of the invention.



**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (703) 306-5508. The examiner can normally be reached between 8:00 - 4:30 from Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin, can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231.

Faxes for Official/formal communications intended for entry should be sent to:

(703) 746-7238, After Final (703)746-7239

or, for informal or draft communications, to:

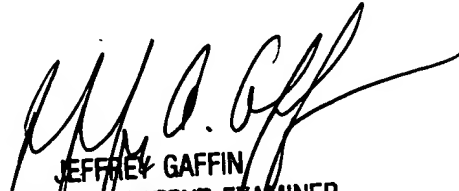
(703) 746-7240 (please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (Receptionist).

Tammara Peyton

July 19, 2002

  
JEFFREY GAFFIN  
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